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October 5, 2023

BY ECF

Hon. Edgardo Ramos
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Neil Cole, 19 Cr. 869 (ER)

Dear Judge Ramos:

We represent Neil Cole in the above-captioned matter. We write in advance of sentencing scheduled for October 10, 2023. As discussed in our sentencing submission, we respectfully request that the Court credit Mr. Cole with a two-level decrease to his offense level based on the Guidelines amendment newly approved by the Sentencing Commission, U.S.S.G. § 4C1.1, and scheduled to go into effect on November 1, 2023. *See* ECF No. 310 at 15. The government agrees that Mr. Cole satisfies the requirements for such a decrease, and does not oppose this request, provided that Mr. Cole's counsel confirm that the defense will not later seek a sentencing reduction pursuant to 18 U.S.C. § 3582 on the basis of the amendment. ECF No. 312 at 5. Accordingly, we confirm that should the Court apply the amendment now, the defense will not seek to apply it again in the future.

Respectfully submitted,



Sean Hecker